IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS METROPOLITAN POLICE DEPARTMENT, Appellant/Cross-Respondent, vs. AMERICAN BROADCASTING COMPANIES, INC.; THE ASSOCIATED PRESS; CABLE NWES NETWORK, INC.; CHESAPEAKE MEDIA I, LLC, D/B/A KSNV-TV; LOS ANGELES TIMES COMMUNICATIONS, LLC; THE NEW YORK TIMES COMPANY; SCRIPPS BROADCASTING HOLDINGS, LLC; WP COMPANY, LLC, D/B/A THE WASHINGTON POST, Respondents, LAS VEGAS REVIEW-JOURNAL, Respondent/Cross-Appellant.	Electronically Filed Apr 25 2019 03:42 p.m. Elizabeth A. Brown Clerk of Supreme Court SUPREME COURT CASE NO.: 75518 DISTRICT COURT CASE NO.: A764030; A764169

RESPONDENT/CROSS-APPELLANT'S REPLY TO RESPONSE TO UNTIMELY MOTION FOR AN EXTENSION OF TIME TO FILE REPLY BRIEF ON CROSS-APPEAL

Appeal from Eighth Judicial District Court, Clark County
The Honorable Stephanie Miley, District Judge
District Court Case Nos. A764030; A764169

Margaret A. McLetchie, Nevada Bar No. 10931
Alina M. Shell, Nevada Bar No. 11711
MCLETCHIE LAW
701 East Bridger Ave., Suite 520
Las Vegas, Nevada 89101
Counsel for Respondent/Cross Appellant, Las Vegas Review-Journal

Docket 75518 Document 2019-18299

I. INTRODUCTION

As discussed in Respondent/Cross-Appellant the Las Vegas Review-Journal's ("Review-Journal") April 19, 2019, Untimely Motion for Extension of Time, the Review-Journal's Reply Brief on Cross-Appeal in this matter was due April 5, 2019. Because of a calendaring error based on a misapprehension of the applicable Rule of Appellate Procedure, counsel for the Review-Journal incorrectly calculated the deadline for filing its Reply on Cross-Appeal as April 22, 2019. Upon learning of the calendaring error, counsel for the Review-Journal immediately filed its motion with this Court requesting an extension of time until April 25, 2019 to file its Reply Brief on Cross-Appeal.

Appellant/Cross-Respondent the Las Vegas Metropolitan Police Department ("Metro") asserts in its Response that counsel's error is insufficient to meet the good cause standard articulated in NRAP 26(b)(1)(A), and asks this Court to deny the Review-Journal's Motion. Metro's opposition, however, relies on inapposite case law pertaining to bankruptcy proceedings, habeas proceedings, and Federal Rule of Appellate Procedure 4. These cases, however, do not foreclose this Court from granting the Review-Journal's request for an extension.

Moreover, given the complexity and importance of the issues in this appeal, and NRAP 1's mandate that the Rules of Appellate Procedure be "liberally construed to secure the proper and efficient administration of the business and affairs of the

courts and to promote and facilitate the administration of justice by the courts," the Review-Journal respectfully requests this Court grant its Motion.[1]

II. ARGUMENT

Pursuant to NRAP 26(b)(1)(A), this Court may "[f]or good cause" extend the time "prescribed by the [NRAP] or by its order to perform any act, or may permit an act to be done after that time expires." As discussed in the Review-Journal's April 19, 2019, Motion, the deadline for submitting a Reply to Metro's March 22, 2019, Reply Brief and Answering Brief on Cross-Appeal was April 5, 2019. *See* NRAP 28.1(f)(1)(D) (mandating that a reply brief on cross-appeal is due within 14 days after the service of an appellant/cross-respondent's reply brief and answering brief on cross-appeal). Incorrectly relying on NRAP 31(a)(1)(C), counsel for the Review-Journal calendared the deadline for filing the Reply Brief on Cross-Appeal as April 22, 2019.

In opposing the Review-Journal's Motion, Metro relies on a series of cases pertaining to bankruptcy proceedings, habeas proceedings, and Federal Rule of Appellate Procedure 4. (*See generally Response*, pp. 2-3.) None of those cases, however, are applicable here. This is particularly true of the cases cited by Metro pertaining to FRAP 4, the Federal Rule of Appellate Procedure pertaining to the time

[1] In its Motion, the Review-Journal requested that this Court grant it until April 25, 2019, to submit its Reply Brief. The Review-Journal has submitted its proposed Reply Brief concurrent with the instant Reply.

for filing a notice of appeal. The United States Supreme Court has "long and repeatedly held that the time limits for filing a notice of appeal are jurisdictional in nature." *Bowles v. Russell*, 551 U.S. 205, 206, 127 S. Ct. 2360, 2362, 168 L. Ed. 2d 96 (2007). Here, the Review-Journal's inadvertent mis-calendaring of the time for filings its Reply does not affect this Court's jurisdiction. Thus, those cases are of no moment here.

Moreover, it is in the best interests of promoting and facilitating the administration of justice by this Court to permit the Review-Journal to untimely file its Reply on Cross-Appeal given the complexity and statewide importance of this case, which deals with the interpretation and application of several provisions of the Nevada Public Records Act, Nev. Rev. Stat. § 239.001 *et seq.* In order to reach a fair and just conclusion in this case, the Court should have the opportunity to assess all the arguments presented by the parties in this important matter.

Additionally, permitting the Review-Journal to file its Reply Brief on Cross-Appeal would not cause any prejudice to Metro because Metro has completed its briefing in this matter.

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III. CONCLUSION

For these reasons, and for the reasons set forth in the Review-Journal's Untimely Motion for Extension of Time, the Review-Journal respectfully requests that this Court permit it to file its Reply Brief on Cross-Appeal.

DATED this the 25th day of April, 2019.

/s/ Alina M. Shell

Margaret A. McLetchie, Nevada Bar No. 10931
Alina M. Shell, Nevada Bar No. 11711
MCLETCHIE LAW
701 East Bridger Ave., Suite 520
Las Vegas, Nevada 89101
Counsel for Respondent/Cross-Appellant,
Las Vegas Review-Journal

CERTIFICATE OF SERVICE

I hereby certify that the foregoing RESPONDENT/CROSS-APPELLANT'S REPLY TO RESPONSE TO UNTIMELY MOTION FOR AN EXTENSION OF TIME TO FILE REPLY BRIEF ON CROSS-APPEAL was filed electronically with the Nevada Supreme Court on the 25th day of April, 2019. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

Nick D. Crosby and Jackie V. Nichols
MARQUIS AURBACH COFFING
Counsel for Appellant/Cross-Respondent,
Las Vegas Metropolitan Police Department

Joel E. Tasca and Justin A. Shiroff
BALLARD SPAHR LLP
Counsel for Respondents,
American Broadcasting Companies, Inc., The Associated Press, Cable News Network, Inc., Chesapeake Media I, LLC, d/b/a KSNV-TV, Los Angeles Times Communications, LLC, The New York Times Company, and WP Company LLC d/b/a The Washington Post

/s/ Lacey Ambro
Employee of McLetchie Law